

1887-020 Chancery Causes: John B. Owens for &c vs. William Daugherty &c.
Lee Co.

Flanary, Pennington, Phillips, Warren, Ferguson, Burchett,
Keller, Fletcher, Pridemore

1 Plat

CA-Contract Dispute
T-Property

To the Honorable John A. Keely
Judge of the Circuit Court of
Lee County Virginia:

Your orator John B. Owens
who sues for the benefit of H.
A. Owens, humbly complaining
would respectfully represent that
heretofore, on the 22^d day of May
1874, your orator purchased from
one Henry Daugherty a certain
tract or parcel of land, situated on
the south side of Newmans Ridge in
Said County, properly described in
the said Daugherty bond of that
date, and which said land is prop-
erly described in said bond, a copy
of which is herewith filed marked
"A." and is prayed to be considered
as part hereof. By an inspection
of which it will be seen that the
price agreed to be paid was the
sum of \$110. and bore interest some
time after the date of said bond.

For the deferred payment, a note
was at the time executed and delivered
to the said Daugherty, and the same
has been paid except about the sum
of \$45. or \$50.00 which last named
sum your orator stands ready and

To pay - Some time after the execution of said bond and the payment of said money, the said Henry Daugherty departed this life intestate, and one Irish Daugherty qualified as his administrator and has since died, and the estate of the said Henry has been committed to Reese D. Glaney Sheriff of said County, none. which admin has over or so far as your orator can learn been able to produce said note and it is probable the same is lost or misplaced. At the time of said Henry's death he left several heirs at law, which after various changes by marriage and death &c are now the following persons.

James⁽¹⁾ Daugherty, Nathaniel⁽²⁾ Daugherty
William⁽³⁾ Daugherty, Barbara⁽⁴⁾ Permington
wife of William Permington, Rhoda⁽⁵⁾
Phillips wife of Francis M. Phillips
Susan⁽⁶⁾ ~~Warren~~ ^{the wife} wife of Jerome Weaver,
~~Emmet Daugherty~~ ~~a~~ ^{the wife} Lucy Ferguson
wife of George W. M. Ferguson ~~Emmet Daugherty~~
children and heirs at law of a deceased
son Wheeler Daugherty deceased
And

Jasper Burchett Abigail Burchett, Mary
Burchett, James Burchett, George Burchett, Nathaniel
Burchett Lucy Keller wife of Keller

Children of a deceased daughter Mariah
Burchett, deceased. To these persons as
said heirs at law the legal title to
said lands has descended, and now
rests - The object of this bill is to
have specifically performed said agree-
ment, and said land conveyed in
accordance with said bond.

Your Orator would further represent
that since the date of said bond he
has sold a part of said lands to
William Green, the quantity whereof
is specifically shown by a survey
and plat thereof herewith filed
marked "B" and is prayed to be con-
sidered herewith as part hereof.

This portion of said land your ora-
tor desires conveyed to said Green and
the residue to the beneficiary herein.

The following persons are infants
being a part of said heirs viz:
Emmett Daugherty -

The object of this bill therefore is to have a conveyance made to your orator of said lands, and your orator stands ready to pay the residue of said purchase money to said Treasury or whomsoever this Court may direct.

The premises considered of your orator ~~Reese D. Flannery Sheriff and of Agnes Daugherty, et al.~~ ^{Prayer that} James Daugherty, Nathaniel Daugherty, William Daugherty, William Pennington and Barbara Pennington his wife, Francis M. Phillips and Rhoda Phillips his wife, ~~George Harmon and~~ Susan Harmon, Lucy Ferguson wife of George W. Ferguson, Emmett Daugherty, Jasper Burdett, Abigail Burdett, Mary Burdett, James Burdett, George Burdett, Nathaniel Burdett, Lucy Keller wife of Keller. Be made parties defendants to this bill and answer its allegations upon oath and upon a hearing a decree be rendered directing a conveyance upon its part of said heirs to your orator upon his payment of its balance of purchase money due from him - And for all other further & general relief may *supra* issue &c.

A. L. Bridgman
P. 2.

LP
John B. Owens

C 7.09
A 15.00
G. A. L. 5.00
P. 8.00
N. 3.00
B 2.50

\$39.59

v } Bill Chg

William Daugherty

Exhibits A. & B. filed

1886 Febry, Bill filed 3p a

Exd & Thom Defty + O. Wise
order pub as non residents

" March D. A. Craft order
Pub. Completed & Cause
set for hearing.

" Aug Decree & cond.

" Nov Decree

1887 March Decree

Final

To the Hon. John A. Kelly Judge of the Circuit Court of
Lee County Virginia:

The joint and separate answer of William
Pennington and Barclay J. Pennington his wife, and Francis
M. Phillips and Rhoda Phillips his wife two of the heirs
at law of Henry Daugherty decd. to a bill filed in this
honorable court against them and others, by John B. Owens
who sues for the benefit of H. A. Owens

Respondents reserve to themselves the benefit of all
just and legal exceptions to said bill, but for answer thereto
or to so much thereof as they are advised it is material
for them to answer. Answering say, that of their own
knowledge they know nothing of the bargain and sale
of the tract of land said to have been made by Henry
Daugherty in his lifetime to the plaintiff John B. Owens
but at the same time they have all along been informed
that said Daugherty did sell to a man by the name of
Owens a tract of land in the Blackwater country and
perhaps situated on Newmans Ridge

Respondents cannot say whether the paper filed as
exhibit (A) with the plaintiffs bill, is the deed of said Daugherty
or not, or whether it is a copy thereof, the truth is they
know nothing about it and hence they can neither
admit or deny its execution

Respondents say the plaintiff is mistaken, when he
says the purchase money for said land has been all paid
except some \$45.00 or \$50.00 for they have recently found among
the papers of Josiah Daugherty now dead who was admr. of
said Henry Daugherty, a note or bond executed to him by

John B. Owens on the 22 day of May 1874 (the date of said
supposed title bond) for the sum of \$75.00 And this sum
with the accruing interest thereon from the day of its
execution until paid Respondents allege is the balance
of the purchase money due on said land, And unless
the same shall be paid by the plaintiff or H. A. Owens the
beneficiary, Respondents pray that said land be sold to
pay the same ~~and respondents~~

Respondents say they have at all times been ready &
willing to convey such title as is in them to said land
when the purchase money due thereon should be paid
and should be informed to whom to make such conveyance
and to show their willingness so to do they have now
made executed and acknowledged for record two deeds
of conveyance for said land and hereunto file the same
marked (A3) and (A6) by the first of which they convey
to Wm. Green about 123 acres of said land at the request of
H. A. Owens, and to said Owens the residue of the lands
mentioned in said title bond, But these deeds are not
to be delivered until said purchase money is fully paid

Respondents say the paper sued on as exhibit (A) is not
their bond, and if the bond of any one, it is that of said Henry
Dougherty dead. And hence they say they are in no default
and moreover, they say no demand has been made upon
them for such title as was in them, but even if such
demand had in fact been made, the plaintiff was
not in such a condition as to have made his demand
available, for by his own admission he yet owes \$45.00

or \$50 - of the purchase money for the land to which a title is sought in this suit:

Respondents are advised that under the facts in the case a Court of equity will not decree costs against them since in no default and the plaintiff act in a condition to demand title.

Respondents having now answered as fully as advised. Material they deny each and every allegation affecting their interests not before confessed and denied or denied and now pray that fees bill be disallowed and respondents decreed their costs.

H. J. Morgan for Respondents

I do swear that the statements in the foregoing answer are true as I verily believe so help me God.

F. M. Phillips
Mark

Subscribed to before me on the 11 day of Augt 1886.

Henry J. Morgan Court.

William Pennington vs

Ads. } Joint Answer

John B. Owens for

Filed at Nov. Term
1886, in open court
by leave thereof, and
Replication thereto.

J. A. Hyatt cc

To the Hon. John A. Kelly Judge of the Circuit
Court of Lee County Virginia:

The Answer of Henry J. Morgan guardian ad litem
for Emmet Daugherty and the unknown infants of Mariah
Burchett died to a bill in chancery exhibited in this
Honorable Court against them & others by John B. Owens
also does for the benefit of W. A. Owens:

Respondent knows nothing personally of the sale
of the land in the bill mentioned by Henry Daugherty to
John B. Owens nor has his said words given him any
information in relation thereto

If the purchase money for said land has been paid
or when paid if not already so paid, Respondent knows
of no fact or circumstance which he could or ought to
bring in violation of the plaintiffs right to have the said
supposed trust specifically executed as prayed for by Bill.

Respondent says his said words are advisory and for
technical reasons, and as such are the usual words of
Courts of equity and their rights and interest in this
cause are committed to your Honor's keeping

Respondent having now answered as fully as he can
petitioner prays that his words be taken as confessed
with their vote

Henry J. Morgan Guard
ad litem for said infants.

H. Morgan Esq. & Co.

to { As per

John B. Owens for

Fee \$5.00

One day after date I signed my self to pay
Twenty four hundred & 76 dollars for value received
& I witness my said and seal
is the 22 day of May, 1874
John B. Greene (Seal)

Attest Susanah Warren

(A.D.)

(C.)

John B.
Owens

To { Note

Due 23rd May
1874.

\$70.00

To the Hon. John A. Kelly Judge of the Circuit Court
of Lee County Virginia:

The Separate Answer of R. D. Fleming Sheriff
of said County and as such, Adm^r de l'administration of Henry
Daugherty dead To a bill filed against him & others in
this honorable Court, by John B. Owens who sues for the benefit
of H. H. Owens

Respondent says he knows nothing in relation to
the sale of the tract of land in the bill mentioned by Henry
Daugherty in his lifetime to the plaintiff John B. Owens
nor does he know whether said Daugherty executed to
said Owens a title bond or not, and if in fact he did
so, whether the paper seal in as exhibit, A) with the ^{bill} ~~plff's~~,
be in truth and in fact such bond or not.

Respondent has been informed that his intestate in his
lifetime did sell to a person by the name of Owens a tract
of land lying in the Black Water Country and perhaps
on Cummings Ridge (the quantity and boundaries of which
he knows nothing about) for the price of \$110.00 of which
there was forty dollars paid down at the time, and
for the residue a note or bond was executed by said Owens
to said Daugherty for the same; and Respondent is
led to believe that what he has heard with reference to
said sale is correct. Because he says that recently two
times came into his hands as such Adm^r a note or bond
dated May 22 1874 & due at one day executed by John B. Ow-
ens to said Henry Daugherty for the sum of \$70.00 and
the same is herewith ^{filed} as part of this Answer marked (A.D.)

Respondent now says that said sum of \$70.00 with the

accruing interest thereon is now due and owing to
him as such debt from said John B. Davis toward the
purchase price of the tract of land in the plaintiffs bill
mentioned and that the same constitutes a valid and
binding lien thereon and unless the plaintiffs shall
pay the same as he proposes to do in his said, Your
respondent is advised that a court of equity will
decree said land to be sold to pay the same and to obtain
that relief your respondent prays that this his answer
be treated as a cross bill to attain that end

Respondent says that when said purchase money
shall have been fully paid, he knows of no reason why
the plaintiffs should not have a conveyance of said land
but that until said money is paid he is not in a
condition to demand specific performance

Respondent having now answered as fully as deemed
necessary he prays that his said purchase money
lien be enforced, the plaintiffs bill dismissed & respondent
decreed his costs.

Henry Morgan for Resp^t

I do swear that the statements made in
the above answer so far as made on my own
knowledge are true & so far as made on
information derived from others I believe them
true & true are good.

Sworn to before me this day of 1886
Court

R. D. Fleming adm. r.

ad. J. Brown

John B. Owens Jr.

Filed in open court
Nov. Term 1886, by
leave thereof and
replication thereto,
J. B. Hyatt & Co.

John B Owens for v.

Plff

vs.
Wm Daugherty & al

Defts

In Chy

This cause came on again to be finally heard on the papers
filed in the cause July 3^d 1887.
Deft. moved to dismiss, and the report of Com. H. J. Morgan, showing
the execution of the two deeds as required by the decree of the
of Nov 20 1886, and was argued by counsel, and said report
and deeds being accepted to. On consideration of all which
it is adjudged correct and decreed that said report and
the deeds therewith be and the same are hereby confirmed, and
the clerk of this will deliver to the clerk of the county court
said two deeds for recordation and no further action being
necessary in the case the parties are hence dismissed and
the cause is stricken from the docket.

John B Owens for me

is { Darn No 2 find

Mr. Darn No 2 find

Entered on page 3.

Entered this
29 March 1857
J. S. K. M.

John B. Owens for &c. ... Plff.

Against

} In Chy.

Reese D. Flanery adm &c, def.

This cause came on, this day to be heard upon the bill of the plff and exhibits filed, the answer of Reese D. Flanery adm of Henry Dougherty deceased, and exhibit therewith filed the joint ^{answer} of Wm Pennington and Barbara L. Pennington his wife, Francis Phillips and Rhoda Phillips his wife, and the answer of H. J. Morgan guardian ad-litem for the infant-defendant Emmet Dougherty, and replication to all said answers, and process by publication having been made against the non-resident-defendants the time required by law the bill is set for hearing as to them ~~the deposition of witnesses on filed~~ ^{and} the cause being argued by counsel. It is adjudged ordered and decreed that the plff be allowed a credit of \$40 paid on the note filed with defendant Flanery answer as of March 3rd 1897. And that said Flanery, ^{admr} recover from the beneficial plff the residue of said

bound to wit the sum of \$70, and
interest thereon from the 22^d day of
May 1874 subject to the aforesaid
Credit of \$40. paid March 3 1877
And Henry J. Morgan who is
hereby appointed a special com-
missioner for the purpose will
make & execute a deed upon the
part of all the defendant ex-
cept Pennington & wife & Phillips &
wife and R. D. Flanagan, conveying to
the said beneficial plff said land,
or as he may direct to Ann Green
the portion so sold by the plff to
him. Said deed will be de-
clined to said plff or his vendor
upon the payment by them each
to said Comr a fee of \$2.50

The Conveyance will be of the entire
interest of said defendants in
the land in the title here mentioned
and with Covenants of Special
Warranty upon the part of said
Comr. - But before the beneficial
plff shall be required to pay
the residue herein decreed against
him he shall be allowed to re-
tain out of the residue of said
and the portions are each, ordered to
their own costs.

~~Purchase money the cost of this~~
~~suit to be taxed by the Clerk~~
And no further action being
necessary the Cause is stricken
from the docket, with leave
to either party to re-enstate the
Cause for the purposes of en-
forcing this decree.

John B. Owenston

v3 Decue

Final

Wm Daugherty et al

Nov 7. 1886

Entered Page 566.

L. A. B. H. Galt et al

Enter this

Nov 20 '86

J. A. K.

The depositions of John B. Owens
 taken before John
 B. West, a Notary Public for Lee Co, Virginia
 and which are intended to be read
 as evidence in a suit in Chancery
 now pending in the Circuit Court of
 Lee County, wherein said
 John B. Owens, for &c. is Complt.

vs.

Russ D. Flanery, Adm. de.
 bonis non of the estate of Henry Daugherty
 dec'd et als. as Defts.

In

Chancery

The said John B. Owens, a witness
 of lawful age, being duly sworn deposes
 and says: in the Bond (filed in this cause)
 from Henry Daugherty aforesaid to the
 witness (John B. Owens) there ^{was} a blank
 place at the beginning of it wherein my
 name was written; and the places the name
 of Williams is written, was written by the
 said Henry Daugherty (in two places) and
 when I went for the bond, I ^{had} this error
 corrected by causing my name to be writ-
 ten in the two places wherein Williams is
 erased.

The said witness further deposes and
 says, that said Henry Daugherty re-
 greed to credit the note held against
 said land and in the name of John

(2)

B. Owens, witness, and in favor John F. Fletcher, with the sum of forty dollars, the same being to get the possession of a bond held by said Fletcher, from Ruthy Belcher to said Fletcher; said credit was made on the 3rd day of March 1877, the day of release of said bond by Fletcher.

And further deponent saith not.

John B. Owens

The further taking of the foregoing depositions is adjourned over till tomorrow, the 25th day of August 1886, at 10 O'clock A.M.

John P. West, St. P.

The foregoing deposition is rejected to because the same was taken without notice to any one and because the witness John B. Owens is one of the parties to the contract sought to be enforced and the other party to wit Henry D. Smith was at the time dead.

Nov 24 1886

H. J. Morgan for Deft.

John B. Owens

no $\frac{2}{3}$ Aloha

William Daugherty

Recd from N P before
whom taken &

for. Aug. 24 1880

J. H. Hyatt ec

N. P. fee 75[¢]

The depositions of John J. Fletcher, J. S. Owens, Samuel A. Owens, and W. A. Owens, taken before John B. West, a Notary Public for Lee County, State of Virginia, and which are intended to be read as evidence in behalf of the Plaintiff in a certain suit in Chancery now pending in the Circuit Court of Lee County, State aforesaid, where in said John B. Owens, for &c is Plaintiff and Reese D. Flanery, Admr &c and others are defendants.

The said John J. Fletcher a witness of lawful age, being duly sworn, deposes & says: Solomon Owens, father of John B. Owens, aforesaid, paid to me the sum of forty dollars at the store-house of Aaron R. Anderson in said county; which forty dollars, it was the understanding by me, ^{Henry} Daugherty being present, was to be credited on the purchase note for the land in the Bill mentioned; that the bond filed in this cause from Henry Daugherty to said John B. Owens & was of an ^{later} ~~earlier~~ date than the bond aforesaid from ^{John J. Fletcher} ~~Henry Daugherty~~ to John B. Owens ~~for &c~~ as witness; said forty dollars being paid to me in order to ob-

(2)
said bond of earlier date and by
way of compromise, and further depo-
nent saith not.

John J. ^{his} Fletcher.
mark

J. S. Owens, another witness of lawful age
being duly sworn, deposes & says:-

That Isaiah Daugherty, Admr, then
Admr of Henry Daugherty aforesaid, told
witness and Samuel A. Owens that forty
dollars which was paid by John J. Fletcher
a witness in this cause was to go as a
credit on the purchase note in this
cause referred to, and that he would enter
same on the note; witness also asked
said Admr if a right to the land mention-
ed in the Bill filed in this cause could
be made & Admr aforesaid replied
that the persons interested as heirs
were scattered so, he didn't know how
a right could be made "handy", that
the best way to get a right would be to
sue them; witness further states, that
he was present when the bond was exe-
cuted from Henry Daugherty to John B.
Owens, but Isaiah Daugherty, Admr
aforesaid was not present, said Henry
Daugherty had the said bond written and

the name of Williams where it was intended the name of John B. Owens to be written, Williams name was erased and John B. Owens inserted.

On cross-examination witness states at the time I witnessed execution of said bond, Isaac Daugherty, Henry Daugherty's Admin. was not present & if he knew anything of ^{or} about this transaction except what my brother & I told him, he must have obtained the information from others. and further this deponent saith not.

J. S. Owens
Samuel A. Owens, another witness of law-
ful age, being duly sworn, deposes & says:— After witness and Joseph Owens went to house of Isaac Daugherty Admin. aforesaid, I saw him at Knoxville, & I told him I would like him to make the rights to those entitled in estate of said Henry Daugherty & asked him if had put credit on note referred to in this cause & he replied, he took note home but had neglected to put said credit on the said note, but would do so, witness told him, he was ready to pay balance due on said note, and asked said Admin. if he would write to the parties interested

and make the rights to which they were
entitled. & Admr aforesaid replied:
the heirs are scattered & he didn't know
what to say to me, to go to Mr Miller
& he would tell me what to do; I went
to Mr Miller & asked ^{him} me what to do
& he told me, all I could do, would
be to bring to suit vs. the others and deposit
the money in the Clerk's Office.
And further this witness saith not.

Samuel H Owens

William A. Owens, another witness of
lawful age, being duly sworn, deposes
& says: — I stated to Francis ^{H.} Phillips
one of the heirs in said estate, that the
money was ready in my part & I
would like rights to be made to all en-
titled & he replied: heirs were so scatter-
ed, that he couldn't do it then, but
would try to make the rights as soon
he could find out where the heirs were;
witness further states, that he was ready
to go and also said he was ready to
make his right at any time.

And further deponent saith not.

W. A. Owens

The depts object to the reading of the depositions
of J. S. Owens and Samuel H Owens because they

detail conversations and statements made by Henry
 Daugherty & Isaac Daugherty, both of whom are
 dead. H. J. Morgan

Virginia, Lee County, to-wit: I, John
 B. West, a Notary Public for said
 county, in the state aforesaid, do cer-
 tify that the foregoing depositions
 were taken before me, at my house
 in Jonesville Lee Co. Va. on the 20th
 day of November 1886 and for the
 purpose mentioned in the caption.
 Given under my hand this 20th day
 of November 1886.

John B. West, N.P.

John B. Owens
vs. Depo. for ten

Rece. D. Flanagan, Adm.

Bred from Notary
before whom taken
and filed Nov. 20/83.

J. H. Wyatt & Co.

St. P.'s fee, 3 hours
service @ 75 cts = \$2.25
charged to P.M.
interests - - - \$2.50

Virginia

This day A. L. Bidemore personally
appeared before me and made oath
in due form that all the defendants
in the Chancery cause of John P. Owens
vs. Heese & Henry Sheriff
now are now residents to
wit, James Daugherty, Nathaniel
Daugherty, William Daugherty Susan
Warren, George W. M. Ferguson and
Luz Ferguson his wife, Emmett
Daugherty, Jasper Burchett & Sigus
Burchett, Mary Burchett, James
Burchett, George Burchett Nathaniel
Burchett — Keller and Luz
Keller his wife. January 28 1884

J. H. Bryant Clerk

John B. Queensfort

no Affair

Recd D. H. Langley

John B. Owens for &c. Plff }
vs. } In Chy
Wm. Daugherty &c. Defs. }

To The Hon. H. S. R. Merion Judge of the Circuit Court
of Lee County Virginia

Pursuant to a decree of this Court entered in this
cause, on the 26th day of Nov. 1856, I have as a Court duly
appointed such Order executed and acknowledged for
second time deed of conveyance herewith filed marked A & B. by
the first of which I as such Court convey to Wm. Lewis 128 acres
of the tract of land in the bill mentioned with covenants of
Special Warranty, and by the second, I convey to H. B. Owens the
residue of said tract with similar Warranty Containing 52
acres more or less, amounting to 180 acres in all.

All which is respectfully submitted

Henry J. Morgan Clerk Court
January 2 1857

John B Owens for.

as } Cont. Report of auds.

Wm Daugherty and

Filed June 30 1887

J. A. Bryant c.c.

The Scott Banner.

Published every Wednesday, at \$1.25 per Annum; If Paid in Advance, \$1.00.

ADVERTISING AND JOB WORK DONE AT BOTTOM PRICES.

Mr. John B. Crooms for & Co.

TO THE BANNER COMPANY, Dr.

1886

July

10

To publishing non-resident
notice vs. Reese D. Flannery et al. \$1.00

Received of Genl A. L. Tilden
more full payment of
the within, July 17, 1886

Barnes &
vs { Acct
J. B. Barnes
—

Asbury Church
Great Hall Calculations
Surveyed J.V. 8 March 88

"B"

8
1.17
88
07
48
06
-86

this indenture made and entered
by and between Ruthy Belcher of
the state of virginia her county
And John J. Fletcher of the state of
Tennessee Hancock county that for
and in consideration of the sum of
the sum of five dollars in hand paid
the receipt where of is her by de-
livered the said Ruthy Belcher have
this day bargained and sold and conveyed
unto John J. Fletcher and his heirs for
ever To a certain tract or Bound-
ary of land lay in the state of virginia
her county lying on the side of new
ridg on a Philip Bales spruce Branch
joining the lands of Daniel Roberts near
the foot of the ridge on a Branch

Below said Philip Bales to wit Beginning
on a back ground on the east side
of the Branch there running northwesterly
a straight line to a red lead marked
corner thence running westerly & cross-
ing crossing a branch to a cypress tree
marked near a clift of rocks on the
west side of said branch thence
southerly along the side where
a marked white oak corner north
on a pine then a straight line
crossing said branch to the Beginning
a cross to us to include a coal house
on said branch ~~crossing north~~ by said
Fletcher and said Belcher and marked
by said party in the presence of
witnesses

gives a cess Be the same more
or less to have and to have the track of
land with all and singular hereditaments
And appurtenances belonging or in
any wise appurtenant unto the said
John of Yildster on assents his heirs that I will
warrant and for ever defende the title
against the claim of all and every person
either there by or under me the power
said un to the power said John of Yildster
his heirs for ever defende ^{from} her self and her
Heirs un to the said John of Yildster his heirs
in Testimony where of I have here
unto set my hand and affixed my seal this
Cherred Seal in the presence of us
and Deem

Test ~~Witness~~ ^{at} ~~1. 1. 1. 1.~~ ^{1. 1. 1. 1.}
Charles M. Hall } ^{Brother} ^{Belcher}
mark

For value received
due to Solomon

March 5th 1877
I assign the within
Owens
John J. Fletcher
mark

test
A. R. Anderson
Patrick R. Rely

December the 1st 1888

I assign the within Bond to W. A.
Crown

~~This instrument will null and void
in to this governing the
of the State of North
Carolina~~

01 37
 01 37
 01 37
 01 37
 01 37
 01 37

Burtis, de la Casa
 de la Casa
 Burtis

150000
 150000
 150000

March 2 - 1877

Henry Holdaway

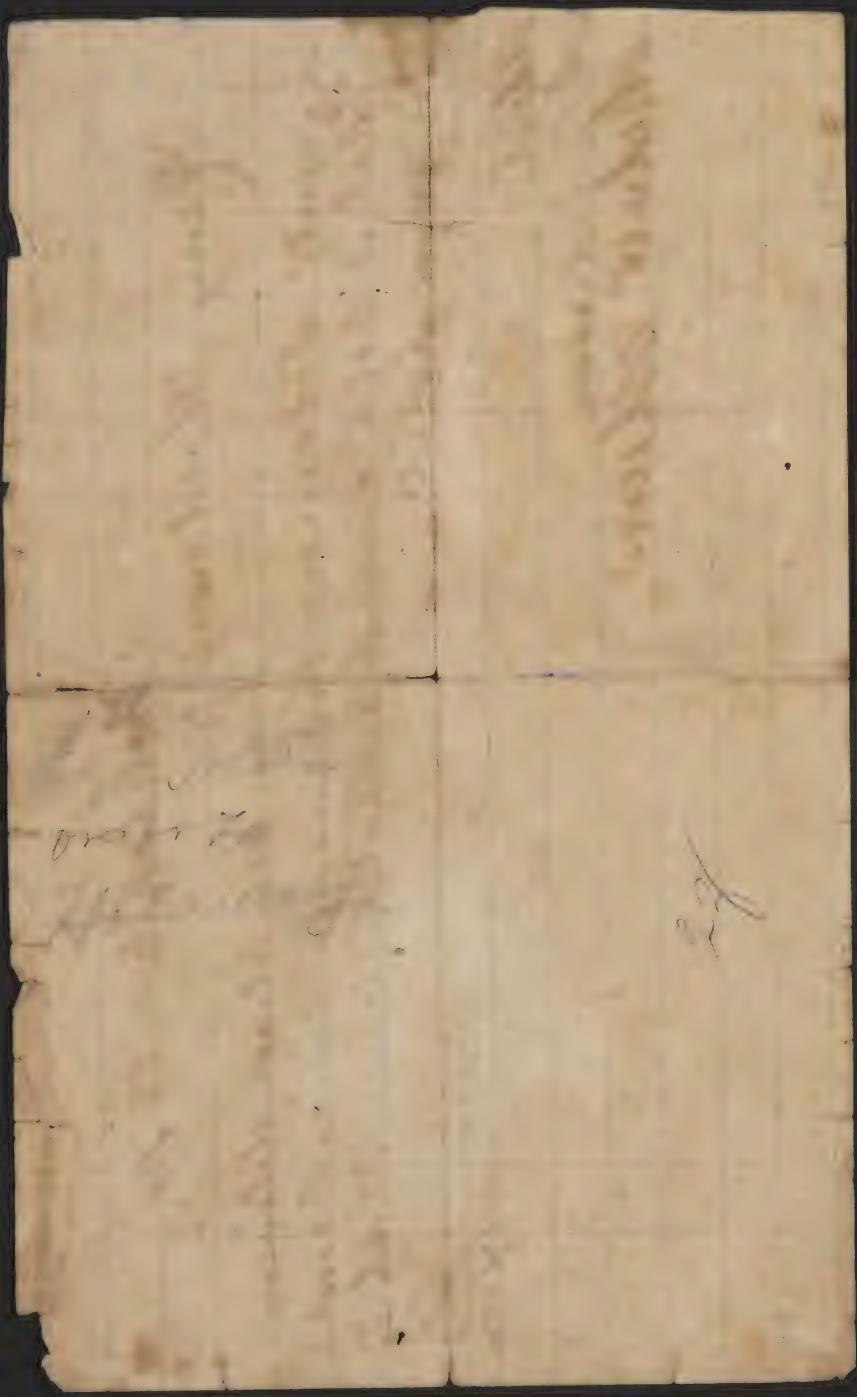
Dear sir please deliver
unto Solomon Owens the Title Bond
that I hold against Nathaniel Belcher which is
in your hands

John Fletcher
mark

Attest

A. R. Anderson

Andrew Shum



March 3rd 1877.

This is to certify that I John Fletcher
do hereby relinquish ^{unto Solomon Owens} all the claim interest
write & title that I have in a certain piece
or parcel of land once owned by Rutha
Belcher but since sold by her to Henry
Daugherty lying in the County of Lee & State of
Va I also bind myself to pay the sum of
Forty Dollars to procure & deliver the title
Bond that I hold on Rutha Belcher to
Solomon Owens. sd Bond is in the hands
of Mag. Holdaway - the land mentioned is
bounded by the Mc. Livesay land & others

Test

A. R. Anderson

Andrew Olmstead

John Fletcher
mark

13 Ch

3

9

8

I know all Men by these presents that I
Henry Daugherty of the County Lee and State of
Virginia am held and firmly Bound to the
John B. Owens County and State afore said
In the sum of two hundred and twenty dollars
Lawful Money of the United States to be paid
to the said Henry Daugherty or his heirs &c for
which to be well and truly made I bind My
Self My heirs &c firmly by these presents sealed
with My Seel dated this the 22 day of May
In the ^{year} of our Lord one thousand eight hundred
and seventy four

This heirs and &c I Doed in fee simple to ascertain
Tract or parcel of land lying and Being in the
County and State afore said now the possession
of the said ^{Bound} as follows
To wit Beginning on a poplar and two hickories
the corner of William M. Tervey corner of
his land on the North side of Indian Ridge
thence Running North West across crossing the
Wagon Road at Mouth of the Branch
thence Running with the Branch to Run then
Belchers Boundary of land thence with his
boundary west course to her corner to a stake
on Phillips Babs line Near the top of Newmans
Ridge thence Running South West with Babs
line made by James Roberts to a white oak
and ash hickory and chestnut oak on
Richards. Mavers line thence South with
said line to the State line of Tennessee
thence East with the said line to the Beginning
Being the same ~~same~~ land conveyed to the
said

"B"

Rutha Belcher that was conveyed by
her Father Jesse Robb to her both
sell this Boundry of land to said ^{John} ~~William~~
with all hite appertinances to have and to
for ever the said Henry Langley both
bind his self to convey a Right By Deed to
said ~~William~~ to have and to hold for ever

Henry Langley ^{Seal}
Witness my hand
Norfolk S. C. 1844

I assign the within Bond
to W.A. Owens
Jan 13 1844

Henry Langley received for by gold
John Owens on May the 22nd 1844

Virginia

In the clerk's office of the Circuit Court for
Lee County, during vacation, on Friday the
27th day of January 1886.

John B. Owens for &c Complainant,

vs
Reese L. Flanagan for &c de bonis oib;

of the Estate of Henry Daugherty, dec'd & Defs.

Chancery

The object of this suit, is to have
specifically performed a contract for
the sale of land on the South side
of Newmans Ridge in Lee Co. Va
and have the legal title of the
said land conveyed to the Plff.
And it appearing from an affidavit
filed in this cause that the defendants
James Daugherty, Nathaniel Daugherty, Wm
Daugherty, Susan Warren, George W. Morgan
and Lucy Morgan his wife, Emmett Daugherty,
Jasper Burchett, Abigail Burchett, Mary
Burchett, James Burchett, George Burchett
Nathaniel Burchett — Keller and
Lucy Keller his wife formerly Lucy
Burchett: — It is therefore ordered
that they appear here within one
month after due publication of this
order & do what may be necessary to
protect their interest in this suit. & the Plff.

John B. Owens for 10
Order Pub.
202

Reese D. Hlaug ^{and}

I certify that I
mailed to the
Scott Banner
a copy of this order
for Pub. Jan'y 27 1886
and posted a like
copy at the front
door of Lee. C. B.
on the 1st day of
February county
court 1886.

J. H. Hyatt cc

1 on 1000 20
1 on 100 10
1 on 10 1
27

THE COMMONWEALTH OF VIRGINIA.

To The Sheriff Of Lee County Greeting :

We Command You

To Summon Reese D. Hurray Adm'r. Henry Daugherty and
James Daugherty, Nathaniel Daugherty, William Daugherty, William⁵ Birmingham & Barbara⁶
Birmingham his wife, James M. Phillips, Rhoda Phillips his wife, Susan⁷
Murrey, George W. M¹⁰ Ferguson & Lucy Ferguson his wife, Emmett Daugherty,
Isabel Burchett, Abigail Burchett, Mary Burchett, James Burchett, George
Burchett, Nathaniel Burchett — Bellit and Lucy Keller his wife
17 at the Clerk's Office

To appear before the Judge of our Circuit Court of Lee County, at the Courthouse on the first day of

in February next being Rule day to answer a
Term next to testify and the truth to speak in behalf of
Bill on Chancery exhibited in our said Court
in certain matters of controversy pending in our said Court between

against them By John B. Owens who
sues for the benefit of W. A. Owens
PLAINTIFF and

DEFENDANT. And this shall in no wise omit under the

penalty of Twenty Dollars. And have then there this writ. Witness J. A. G. HYATT Clerk of our said Court at the Courthouse

This 29 day of January 1886, in the 10 year of the Commonwealth.

J. A. G. Hyatt Clerk.

D

John B. Owens for & Co

us } Spain Chcy

Reese D. Flanagan, Ametel

To February Rules 1886.

Executed by delivering
office copies of this
Spa to F. M. Phillips
& wife & to R. D. Flanagan
C. C. Flanagan & family
for R. D. Flanagan & C. C.

Further executed by
delivering office copies
of this Spa to the wife
of Wm. Pennington one for
her & one for her husband
& by reading & explaining
the same to her she having
never 21 years & he not being
at his usual place of
abode Jan'y 29th 1886.

R. D. Flanagan S. L. L.

Spas - 1.00 + 1.50 = \$2.50



WE, THE BANNER COMPANY, HEREBY CERTIFY THAT THE APPEND-
ed Advertisement has been published for Four successive weeks in the Scott
Banner, a weekly newspaper published in the town of Estillville, Scott County, Vir-
ginia. GIVEN under our hands, this *Twenty-fourth* day of
March, 188*6*,

Banner Co

NON RESIDENTS' NOTICE.

VIRGINIA:—IN THE CLERK'S OF-
fice of the Circuit Court for Lee coun-
ty, during vacation, on Friday the 29th
day of January, 1886:

John B. Owens, for &c. Compt,

vs

Reese D. Flanary, Admr. de
bonis non of the estate of
Henry Dougherty, dec-
ceased, et als., Defendants,

In Chan'y

The object of this suit is to have specifi-
cally performed a contract for the sale of
land on the south side of Newmans Ridge,
in Lee county, Va., and have the legal
title of the land in the bill mentioned con-
veyed to the Plaintiff.

And it appearing from an affidavit filed
in this cause that the Defendants, James
Dougherty, Nathaniel Dougherty, Wm.
Dougherty, Susan Warren, George W. M.
Ferguson, and Lucy Ferguson his wife,
Emmett Dougherty, Jasper Burchett, Geo
Burchett, Abigail Burchett, Mary Burchett,
James Burchett, Nathaniel Burchett, —
Keller and Lucy Keller, his wife, formerly
Lucy Burchett, are non-residents of
this State it is therefore ordered
that they appear here within one month
after due publication of this order and do
what may be necessary to protect their
interests in this suit.

A Copy—Teste:

J. A. G. HYATT, C. C.

A. L. FRIDEMORE, P. Q.

John B. Owens

vs } Pub. Certif

William Daugherty